

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BRADY A. TURLEY, III,**

**Plaintiff,**

**v.**

**COMMISSIONER OF SOCIAL  
SECURITY, NANCY A. BERRYHILL;**

**Defendant.**

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**CIVIL ACTION NO. 6:18-CV-00369-RAS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Brady A. Turley, III, initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner's denial of Plaintiff's application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the decision of the Commissioner should be affirmed and the action dismissed with prejudice.

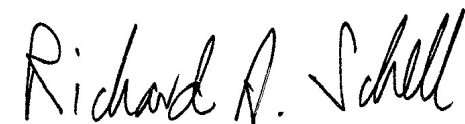
The Report and Recommendation of the Magistrate Judge (Dkt. No. 16), which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. Plaintiff has filed an objection to the Report and Recommendation (Dkt. No. 17). Specifically, Plaintiff objects to the Magistrate Judge's conclusion that the ALJ properly evaluated the opinion evidence. *Id.* Plaintiff argues that the Magistrate Judge failed to consider the Plaintiff's arguments as a whole. *Id.* Plaintiff contends that the Magistrate Judge's finding regarding the medical opinion evidence should be rejected because the Magistrate Judge

failed to consider arguments related to the treatment notes of Plaintiff's treating physician, Dr. Wick. *Id.* at 2.

Here, the Magistrate Judge extensively considered Plaintiff's arguments and the opinion of evidence of Dr. Wick contained in the record and considered by the ALJ. *See* Dkt. No. 16, at 7–12. The Magistrate Judge noted the difficulty of discerning some of Plaintiff's arguments in the briefing given the Plaintiff's failure to specifically address certain issues and his failure to provide record cites in support. *Id.* at 9. Nonetheless, the Magistrate Judge went on to fully consider Dr. Wick's treatment notes contained in the record and found that they supported the ALJ's conclusion to afford partial weight to Dr. Wick's opinions. *Id.* The Magistrate Judge further went on to consider the record as a whole in relation to the ALJ's Residual Functional Capacity (RFC) determination, including Dr. Wick's opinions, and concluded that the ALJ's RFC determination was indeed supported by substantial evidence. *Id.* at 10–12. Having reviewed the Report and Recommendation as well as Plaintiff's specific objections thereto, the Court finds that the Magistrate Judge did not err in his evaluation of Plaintiff's arguments regarding Dr. Wick and in concluding that the ALJ's RFC finding is supported by substantial evidence.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

**SIGNED this the 31st day of January, 2020.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE